

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

VIAMEDIA, INC.,	)	
	)	
<i>Plaintiff,</i>	)	Case No. 1:16-cv-05486
	)	
v.	)	Hon. Amy St. Eve
	)	
COMCAST CORPORATION, and	)	
COMCAST SPOTLIGHT, LP,	)	
	)	
<i>Defendants.</i>	)	

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**DECLARATION OF DANIEL T. FENSKE**

Daniel T. Fenske, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a partner at Jenner & Block LLP, and we represent Comcast Corporation and Comcast Cable Communications Management, LLC (successor to Comcast Spotlight, LP and together with Comcast Corporation, “Comcast”) in the above-captioned matter. I respectfully submit this declaration in support of Defendants’ Motion for Summary Judgment and Defendants’ Rule 56.1 Statement of Undisputed Material Facts.

2. Attached hereto are true and correct copies of the following exhibits:

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
1	Declaration of Dennis W. Carlton (Mar. 15, 2018)	N/A
1.1	Expert Report of Dennis W. Carlton (Oct. 16, 2017)	Carlton Rep.
1.2	Rebuttal Expert Report of Dennis W. Carlton (Nov. 30, 2017)	Carlton Rebutt. Rep.
1.3	Errata Sheet for Reports of Dennis W. Carlton (Dec. 19, 2017)	N/A
2	Expert Report of Harold Furchtgott-Roth (Oct. 16, 2017)	Furchtgott-Roth Rep.
3	Rebuttal Expert Report of Harold Furchtgott-Roth (Nov. 30, 2017)	Furchtgott-Roth Rebutt. Rep.

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
4	Transcript of Deposition of Harold Furchtgott-Roth (Jan. 4, 2018) (Excerpts)	Furchtgott-Roth Tr.
5	Expert Report of Thomas Z. Lys (Oct. 16, 2017)	Lys 1st Rep.
6	Amended Expert Report of Thomas Z. Lys (Jan. 2, 2018)	Lys 2d Rep.
7	Transcript of Deposition of Thomas Lys (Jan. 3, 2018) (Excerpts)	Lys Tr.
8	Carlton, “A General Analysis of Exclusionary Conduct and Refusal to Deal—Why <i>Aspen</i> and <i>Kodak</i> Are Misguided,” <i>Antitrust Law Journal</i> (2001)	N/A
9	Carlton & Waldman, “How Economics Can Improve Antitrust Doctrine towards Tie-In Sales: Comment on Jean Tirole’s ‘The Analysis of Tying Cases: A Primer,’” <i>Competition Policy International</i> , Vol. 1, No. 1 (Spring 2005)	N/A
10	Transcript of Deposition of John Gdovin (Sept. 26, 2017) (Excerpts)	Gdovin Tr.
11	Transcript of Deposition of Misty Jensen (Sept. 20, 2017) (Excerpts)	Jensen Tr.
12	Transcript of Deposition of Jeffrey Carter (Sept. 7, 2017) (Excerpts)	Carter Tr.
13	Transcript of Deposition of Mark Lieberman (Sept. 6, 2017) (Excerpts)	Lieberman Tr.
14	Transcript of Deposition of David Solomon (July 13, 2017) (Excerpts)	Solomon Tr.
15	Transcript of Deposition of Henry Oster (Aug. 30, 2017) (Excerpts)	Oster Tr.
16	Transcript of Deposition of Roland Trombley (July 26, 2017) (Excerpts)	Trombley Tr.
17	Transcript of Deposition of David Kline (Sept. 29, 2017) (Excerpts)	Kline Tr.
18	Transcript of Deposition of Christopher Black (Sept. 29, 2017) (Excerpts)	Black Tr.
19	Transcript of Deposition of Brian Hunt (July 20, 2017) (Excerpts)	Hunt Tr.
20	Transcript of Deposition of Stephen M. Wall (Aug. 9, 2017) (Excerpts)	Wall Tr.

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
21	Transcript of Deposition of Richard Tarvin (July 11, 2017) (Excerpts)	Tarvin Tr.
22	Transcript of Deposition of John Bordeleau (Sept. 27, 2017) (Excerpts)	Bordeleau Tr.
23	Transcript of Deposition of Randy Lykes (Sept. 22, 2017) (Excerpts)	Lykes Tr.
24	Transcript of Deposition of Paul White (Sept. 27, 2017)	White Tr.
25	Transcript of Deposition of David Schroeder (Aug. 26, 2017) (Excerpts)	Schroeder Tr.
26	Transcript of Deposition of Michael Gaylord (Sept. 26, 2017) (Excerpts)	Gaylord Tr.
27	Plaintiff Viamedia, Inc.'s Response to Defendants' Fifth Set of Interrogatories (Oct. 6, 2017)	Pls.' Resp. Defs. 5th Interrogs.
28	Plaintiff Viamedia, Inc.'s Second Supplemental Responses to Defendants' First Set of Interrogatories, No. 6 and Third Set of Interrogatories, No. 8 (Oct. 27, 2017)	Pls.' 2d Supp. Resp. Defs.' 1st Interrog. No. 6 & 3d Interrog. No. 8
29	Viamedia, Inc.'s Responses & Objections to Defendants' Second Set of Requests for Admission (Oct. 6, 2017)	Pls.' Resp. & Obj. Defs.' 2d Set of RFAs
30	Plaintiff Viamedia, Inc.'s Supplemental Response to Defendants' First Set of Interrogatories, Interrogatory No. 1. (June 9, 2017)	Pls.' Supp. Resp. Defs.' Interrog. No. 1
31	[REDACTED] (Dec. 31, 2006) (V-0000001362)	[REDACTED] (12/31/2006)
32	[REDACTED] (July 13, 2009) (V-0000001392)	[REDACTED] (7/13/2009)
33	[REDACTED] (Sept. 24, 2015) (COMSPOT-COM-00004598)	[REDACTED] (9/24/2015)
34	[REDACTED] (May 30, 2003) (V-004501325)	[REDACTED] (5/30/2003)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
35	[REDACTED] (Sept. 22, 2008) (V-0000001550)	[REDACTED] (9/22/2008)
36	[REDACTED] (June 27, 2008) (V-0000000896)	[REDACTED] (6/27/2008)
37	[REDACTED] (May 19, 2014) (V-0000000259)	[REDACTED] (5/19/2014)
38	[REDACTED] (Dec. 2013) (COMSPOT-COM-00005614)	[REDACTED] (12/2013)
39	[REDACTED] (Oct. 4, 2013) (COMSPOT-HAW-00002648)	[REDACTED] (10/4/2013)
40	[REDACTED] (Oct. 2009) (COMSPOT-COM-00002820)	[REDACTED] (10/2009)
41	[REDACTED] (Aug. 2012) (COMSPOT-DEK-00054813)	[REDACTED] (8/2012)
42	[REDACTED] (Aug. 2012)	[REDACTED] (8/2012)
43	[REDACTED] (Aug. 2012)	[REDACTED] (8/2012)
44	[REDACTED] (Apr. 2014) (V-0000001571)	[REDACTED] (4/2014)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
45	[REDACTED] (Oct. 2015) (COMSPOT-COM-00004644)	[REDACTED] (10/2015)
46	[REDACTED] (Oct. 4, 2013) (COMSPOT-COM-00005562)	[REDACTED] (10/4/2013)
47	[REDACTED] (Oct. 4, 2013) (COMSPOT-HAW-00002535)	[REDACTED] (10/4/2013)
48	[REDACTED] (Jan. 20, 2012) (COMSPOT-COM-00005507)	[REDACTED] (1/20/2012)
49	[REDACTED] (Jan. 30, 2012) (COMSPOT-COM-00000639)	[REDACTED] (1/30/2012)
50	[REDACTED] (Mar. 19, 2013) (COMSPOT-COM-00000965)	[REDACTED] (3/19/2013) [REDACTED]
51	[REDACTED] (May 12, 2014) (COMSPOT-DEI-00001126)	[REDACTED] (5/12/2014)
52	[REDACTED] (Aug. 18, 2015) (COMSPOT-COM-00003865)	[REDACTED] (8/18/2015)
53	[REDACTED] (July 18, 2014) (COMSPOT-COM-00003396)	[REDACTED] (7/18/2014)
54	[REDACTED] (May 1, 2013) (COMSPOT-DEK-00053998)	[REDACTED] (5/1/2013) [REDACTED]
55	[REDACTED] (May 1, 2013) (COMSPOT-DEK-00114986)	[REDACTED]

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
		(5/1/2013) [REDACTED]
56	[REDACTED] (Sept. 20, 2001) (VIA-0132409)	[REDACTED] (9/20/2001)
57	[REDACTED] (May 15, 2002) (VIA-0132422)	[REDACTED] (5/15/2002)
58	[REDACTED] (Sept. 26, 2016) (COM-VIA-00733636)	[REDACTED] (9/26/2016)
59	[REDACTED] (2014) (COMSPOT-COM-00003268)	[REDACTED] (2014)
60	[REDACTED] (Mar. 19, 2013) (COMSPOT-COM-00000827)	[REDACTED] (3/19/2013) [REDACTED]
61	[REDACTED] (Mar. 18, 2013) (COMSPOT-COM-00000849)	[REDACTED] (3/18/2013) [REDACTED]
62	[REDACTED] (Jan. 30, 2012) (COMSPOT-COM-00000778)	[REDACTED] (1/30/2012)
63	[REDACTED] (Aug. 18, 2015) (COMSPOT-COM-00003415)	[REDACTED] (8/18/2015)
64	[REDACTED] (Feb. 2004) (COMSPOT-COM- 00002127)	[REDACTED] (2/2004)
65	[REDACTED]	[REDACTED]

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
	(Nov. 2011) (COMSPOT-COM-00002101)	(11/2011)
66	(April 25, 2014) (COMSPOT-COM-00000063)	(4/25/2014)
67	(Mar. 20, 2012) (V-0000001104)	(3/20/2012)
68	(Aug. 28, 2013) (V-000001431)	(8/28/2013)
69	(May 12, 2010)	(5/12/2010)
70	(Dec. 26, 2011)	(12/26/2011)
71	(Nov. 11, 2013)	(11/11/2013)
72	(Dec. 30, 2013)	(12/30/2013)
73	(March 11, 2010)	(3/11/2010)
74	(Mar. 27, 2015)	(3/27/2015)
75	(Nov. 4, 2015)	(11/4/2015)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
76	[REDACTED] (Aug. 31, 2010) (V-0000001418)	[REDACTED] (8/31/2010)
77	[REDACTED] (Nov. 12, 2013) (V-0000000285)	[REDACTED] (11/12/2013)
78	[REDACTED] (Jan. 1, 2015) (V-0000001072)	[REDACTED] (1/1/2015)
79	[REDACTED] (Nov. 30, 2009) (V-0000000803)	[REDACTED] (11/30/2009)
80	[REDACTED] (Feb. 3, 2011) (V-0000000361)	[REDACTED] (2/3/2011)
81	[REDACTED] (Mar. 2, 2012) (V-0000001153)	[REDACTED] (3/2/2012)
82	[REDACTED] (Jan. 1, 2014) (V-0000000188)	[REDACTED] (1/1/2014)
83	[REDACTED] (Feb. 2016)	[REDACTED] (2/2016)
84	[REDACTED] (Jan. 18, 2015) (V-004416579.txt)	[REDACTED] (1/18/2015)
85	[REDACTED] (Dec. 7, 2011) (COMSPOT-LUT-00007956)	[REDACTED] (12/7/2011)
86	[REDACTED] (Oct. 7, 2015) (V-004519947)	[REDACTED] (10/7/2015)
87	[REDACTED] (Nov. 19, 2013) (V-000454289)	[REDACTED] (11/19/2013)



EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
88	[REDACTED] (Aug. 4, 2015) (VIA-0074963)	[REDACTED] (8/4/2015)
89	[REDACTED] (July 31, 2015) (V-004494159)	[REDACTED] (7/31/2015)
90	[REDACTED] (Aug. 10, 2015)	[REDACTED] (8/10/2015)
91	[REDACTED] (May 30, 2014) (V-0000004764)	[REDACTED] (5/30/2014)
92	[REDACTED] (COMSPOT-LUT-00007629)	[REDACTED]
93	[REDACTED] (June 22, 2015) (V-004483144)	[REDACTED] (6/22/2015)
94	[REDACTED] (Nov. 6, 2014) (V-004394899)	[REDACTED] (11/6/2014)
95	[REDACTED] (Nov. 2, 2015) (V-004532118)	[REDACTED] (11/2/2015)
96	[REDACTED] (Sept. 2015) (VIA-0058053)	[REDACTED] (9/2015)
97	[REDACTED] (Oct. 2013) (VIA-0123159)	[REDACTED] (10/2013)
98	[REDACTED] (Jan. 15, 2016) (V-0000002581)	[REDACTED] (1/15/2016)
99	[REDACTED] (Feb. 9, 2016) (VIA-0000687)	[REDACTED] (2/9/2016)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
100	[REDACTED] (Apr. 26, 2016) [REDACTED]	[REDACTED] (4/26/2016)
101	[REDACTED] (Jan. 14, 2013) [REDACTED]	[REDACTED] (1/14/2013)
102	[REDACTED] (Feb. 15, 2013) [REDACTED]	[REDACTED] (2/15/2013)
103	[REDACTED] (Apr. 5, 2013) [REDACTED]	[REDACTED] (4/5/2013)
104	[REDACTED] (Aug. 15, 2016) [REDACTED]	[REDACTED] (8/15/2016)
105	[REDACTED] (June 3, 2016) [REDACTED]	[REDACTED] (6/3/2016)
106	[REDACTED] (Jan. 30, 2014) [REDACTED]	[REDACTED] (1/30/2014)
107	[REDACTED] (Apr. 18, 2014) [REDACTED]	[REDACTED] (4/18/2014)
108	[REDACTED] (June 20, 2014) [REDACTED]	[REDACTED] (6/20/2014)
109	[REDACTED] (June 20, 2014) [REDACTED]	[REDACTED] (6/20/2014)
110	[REDACTED]	[REDACTED]
111	[REDACTED] (June 12, 2015) [REDACTED]	[REDACTED] (6/12/2015)
112	[REDACTED] (Nov. 10, 2014) [REDACTED]	[REDACTED] (11/10/2014)
113	[REDACTED] (Aug. 6, 2015) [REDACTED]	[REDACTED] (8/6/2015)

EXHIBIT NO.	DESCRIPTION OF EXHIBIT	ABBREVIATION
114	<div data-bbox="345 310 1003 394" style="background-color: black; width: 405px; height: 40px; margin-bottom: 5px;"></div> <div data-bbox="570 352 776 388" style="display: inline-block; background-color: white; padding: 0 5px;">(Mar. 29, 2017)</div>	<div data-bbox="1192 275 1349 394" style="background-color: black; width: 97px; height: 57px; margin-bottom: 5px;"></div> <div data-bbox="1192 394 1349 426" style="display: inline-block; background-color: white; padding: 0 5px;">(3/29/2017)</div>

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 16, 2018

/s/ Daniel T. Fenske

Daniel T. Fenske